

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND et al	)	
	)	
	)	
	)	
Plaintiffs,	)	Case No. 14 C 3312
	)	
v.	)	Judge Brown
	)	
MICHAEL BARBIC et al	)	
	)	
Defendant.	)	

**MOTION TO REINSTATE THE CASE AND ENTER JUDGMENT**

Now come Plaintiffs, the Chicago Regional Council of Carpenters Pension Fund, et al., by their attorney, Travis J. Ketterman of Whitfield McGann & Ketterman, and respectfully requests that this Honorable Court reinstate the case and enter final judgment for the amounts found to be owed. In support of the motion, the Plaintiffs state as follows:

1. This action arises under Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185). Jurisdiction is founded on the existence of questions arising thereunder.

2. Plaintiffs and Defendants entered into an Agreed Order of Dismissal on June 4, 2015. (Exhibit A – Agreed Order of Dismissal).

3. The Defendants made the following payments on the dates listed:

Payment Due Date	Amount Due	Payment Receipt Date	Amount Received	Past Due Amount
06/15/2015	\$8,451.09	06/15/2015	\$8,451.09	\$0.00
07/15/2015	\$8,451.06	07/27/2015	\$8,451.00	\$0.06
08/15/2015	\$8,451.06	09/08/2015	\$6,400.00	\$2,051.06
09/15/2015	\$8,451.06	10/14/2015	\$4,000.00	\$4,451.06
10/15/2015	\$8,451.06	12/07/2015	\$6,000.00	\$2,451.06
11/15/2015	\$8,451.06			\$8,451.06
12/15/2015	\$8,451.06			\$8,451.06
01/15/2016	\$8,451.06			\$8,451.06
	<b>\$67,608.51</b>		<b>\$33,302.09</b>	<b>\$34,306.42</b>

4. On October 6, 2015, the Funds' attorney emailed the Defendants' attorney regarding the Defendants' late payments in August and September. The Defendants' attorney responded on October 7, 2015. (Exhibit B).

5. The Funds received an additional payment of \$4,000.00 from the Defendants on October 14, 2015, but the Defendants remained delinquent in the settlement payments.

6. On November 30, 2015, the Funds' attorney and the Defendants' attorney exchanged a series of emails that discussed the delinquencies of the Defendant under the terms of the Agreed Order. (Exhibit C).

7. As a result of the email exchange on November 30, 2015, the Defendants did submit a check for \$6,000 on December 7, 2015, but did not submit any additional payments.

8. On February 1, 2016, the Funds' attorney emailed the Defendants' attorney to provide an accounting of amounts owed and amounts paid. The email reiterated that the case must be reinstated prior to March 1, 2016 under the terms of the Agreed Order. Defendants' attorney acknowledged the email. (Exhibit D).

9. The Defendants have made no payments to the Funds since December 7, 2015.

10. In addition, Paragraph 3 of the Agreed Order of Dismissal provided:

That if the Defendant defaults on either paragraphs 1 or 2, the Plaintiffs shall have the right to reinstate this case for the sole purpose of entering Judgment for the balance owed pursuant to this Order, plus any additional unpaid ERISA contributions incurred, accrued interest, liquidated damages and Plaintiffs' attorney fees and cost expended in enforcing this order.

11. The Defendants breached Paragraph 1 of the Agreed Order of Dismissal by failing to make the agreed upon monthly installment payments to the Plaintiffs. The Defendants owes the Plaintiffs \$34,306.42 under the Agreed Order of Dismissal. (Exhibit E – Sworn Declaration of John Libby).

12. The additional accrued interest since the June 4, 2015 Agreed Order of Dismissal was entered is \$1,288.67. (Exhibit E – Sworn Declaration of John Libby).

13. The Plaintiffs' attorney fees and costs expended in enforcing the June 4, 2015 Agreed Order of Dismissal was \$2,026.25. (Exhibit E – Sworn Declaration of John Libby).

14. Accordingly, the Defendants owe the Plaintiffs \$37,621.34, which represents \$34,306.42 in remaining settlement payments, \$1,288.67 in accrued interest since June 4, 2015 and \$2,026.25 in attorney fees and costs enforcing the Agreed Order.

WHEREFORE, Plaintiffs pray:

- a) For entry of Judgment in favor of the Plaintiffs and against the Defendants in the amount of \$37,621.34.
- b) That Plaintiffs have such other and further relief as by the Court may be deemed just and equitable all at the Defendant's costs pursuant to 29 U.S.C. §1132(g)(2)(E).

CHICAGO REGIONAL COUNCIL OF CARPENTERS  
PENSION FUND et al.

s/Travis J. Ketterman

By: \_\_\_\_\_  
TRAVIS J. KETTERMAN

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February 24, 2016